

#9

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : FALLS *et al.*
 SERIAL NUMBER : 08/983,394 EXAMINER : To be assigned
 FILING DATE : January 20, 1998 ART UNIT : Unknown
 FOR : ELECTRONIC PRODUCT INFORMATION DISPLAY SYSTEM

RECEIVED

Box DAC
 Assistant Commissioner for Patents
 Washington, DC 20231

AUG 05 2002
 OFFICE OF PETITIONS



29315

PATENT & TRADEMARK OFFICE

**PETITION FOR REVIVAL OF AN UNINTENTIONALLY-ABANDONED
 PATENT APPLICATION UNDER 37 C.F.R. §1.137(b)**

RECEIVED

19 NOV 2002

Legal Counsel
 International Division

Dear Sir:

This is a petition to request revival of the above-referenced patent application under 37 C.F.R. §1.137(b). Pursuant to the requirements set forth in 37 C.F.R. §1.137(b), Applicants hereby request and submit:

A. The Combined Declaration for Patent Application and Power of Attorney, signed by all four inventors, as the required reply to the outstanding Office Action.

B. A check in the amount of \$640.00 is attached to cover the required petition fee as set forth in 37 C.F.R. §1.17(m). In the event that any variance exists between the amount enclosed and the appropriate fees, please charge or credit any difference to the undersigned's

Deposit Account No. 50-0311.

08/06/2002 08/06/2002 00000007 08983394
 02 08/06/2002 00000007 08983394

08/06/2002 AKELLEY 00000007 08983394

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640.00-00

C. The entire delay in filing the required reply from the due date until the filing of the present petition was unintentional. An explanation of the unintentional delay follows. Various facts set forth in this petition are supported by the declaration of Mr. Dale, which is attached.

Prosecution History

1. The above-referenced patent application S.N. 08/983,394 (the '394 Application) was filed on January 20, 1998, claiming priority to International Application No. PCT/US96/12575 filed July 31, 1996 (the "PCT Application"), filed in the name of Intelledge Corporation. The PCT Application claimed priority to U.S. Provisional Application No. 60/001,673 filed July 31, 1995 (the "Provisional Application").
2. On August 25, 1998, a Notice of Missing Requirements was mailed to John England at the law firm of Laff, Whitesel, Conte and Saret. On September 25, 1998, a Response to the Notice of Missing Requirements was filed by the law firm of Laff, Whitesel, Conte and Saret. On January 5, 1999, a Notification of a Defective Oath or Declaration was mailed to Mr. England at Laff, Whitesel, Conte and Saret, alleging that that the name and signature of one of the inventors (Mr. M.C. Phillips) was missing.
3. A Notice of Abandonment in the above-referenced patent application was mailed on **January 14, 2000**, because Applicants allegedly failed to properly respond to the Notification of a Defective Oath or Declaration. In particular, the applicants allegedly failed to provide an oath or declaration acceptable under 35 U.S.C. §371(c)(4) for entry into the national stage in the United States of America.

The Intelledge Bankruptcy

4. Prior to the abandonment of the '394 Application, Intelledge filed for bankruptcy. Pursuant to an Order of Sale, the intellectual property and other assets of Intelledge, including the '394 Application, were sold at auction by the bankruptcy trustee.

5. On July 1, 1999, prior to the mailing of the Notice of Abandonment, Information Planning and Management Service, Inc. ("IPMS") purchased the assets of Intelledge, including the '394 Application.

6. E.J. Dale, an inventor of the '394 Application, is a principal of IPMS.

7. Mr. Dale caused IPMS to purchase the '394 Application because he believed that a patent to that invention would be valuable.

8. At all relevant times, Mr. Dale never intended for the '394 Application to go abandoned.

9. For a variety of reasons detailed below, from July 1, 1999 to the present, IPMS experienced numerous difficulties in obtaining case files, status reports, and other information relevant to the intellectual property ("IP") purchased on July 1, 1999. With particular regard to the above-referenced patent application, IPMS recently learned of the Notice of Abandonment only after obtaining a copy of the prosecution history of U.S. Application Serial No. 08/983,394 on June 20, 2002.

The Attorneys of Record and Mr. Dale's Initial Attempts to Obtain Information From Them

10. The PCT Application listed Robert S. Beiser of Michael, Best and Friedrich as the Agent. On January 20, 1998, a Revocation and Submission of Power of Attorney was filed in the

PCT Application. This Power of Attorney was granted to Mr. England at the law firm of Laff, Whitesel, Conte and Saret. An Information Disclosure Statement was filed in the '394 Application by Mr. England on March 17, 1998. Originally, Mr. England worked for the law firm of Michael, Best and Friedrich. Subsequently, Mr. England left Michael, Best and worked for the law firm of Sitrick and Sitrick in Lisle, IL. Mr. England subsequently left Sitrick and Sitrick and joined the firm of Laff, Whitesel, Conte and Saret in Chicago. He then left Laff, Whitesel to work for Snap-On-Tools.

11. The '394 Application file history reflects that on May 22, 1998, a Revocation and Substitute Power of Attorney was filed granting power of attorney to various attorneys at Laff, Whitesel, Conte and Saret and specified Mr. Charles Laff (Reg. No. 19,787) as the attorney to whom correspondence should be sent. (Attachment A)

12. Subsequently, the Laff, Whitesel, Conte and Saret firm apparently merged with the law firm of Michael, Best and Friedrich.

Mr. Dale's Diligent Efforts To Ascertain The Status Of The '394 Application

13. On numerous occasions beginning around July 1999, shortly after IPMS acquired the '394 Application, and continuing through the fall of 1999, Mr. Dale attempted to contact Mr. England at Laff, Whitesel, Conte and Saret, which was Mr. England's last known place of employment at that time. Mr. Dale left messages that were never returned. Eventually, Mr. Dale was told that Mr. England no longer worked at the Laff, Whitesel, Conte and Saret law firm. Mr. Dale informed Laff, Whitesel, Conte and Saret that IPMS had acquired the intellectual property of Intelledge and that Mr. Dale was trying to obtain a status report on the Intelledge patent applications. Mr. Dale was told that Laff, Whitesel, Conte and Saret knew nothing about

Intelledge files because Mr. England had left Laff, Whitesel, Conte and Saret and had taken the Intelledge files with him. Laff, Whitesel informed Mr. Dale that he needed to find Mr. England.

14. Mr. Dale contacted Mr. Grochocinski, Federal Trustee for the Intelledge bankruptcy settlement in August 1999 and arranged to obtain the stored Intelledge corporate files in Mr. Grochocinski's possession. Mr. Dale made numerous attempts to get the files. Mr. Dale learned that these files were taken at some point to an incorrect address and were apparently lost. Numerous efforts have been made to determine what happened to these files, but to date they still have not been received by IPMS or Mr. Dale.

15. In September 1999, Mr. Dale contacted the attorney who filed the bankruptcy for Intelledge and determined that the former chief financial officer ("CFO") of Intelledge had certain legal files which might contain status information on the patent applications. Mr. Dale contacted former Intelledge CFO John Sharwarko in the first quarter of 2000. Mr. Sharwarko indicated he thought Mr. John Noel, a former in-house attorney for Intelledge, might have the files. Mr. Dale contacted Mr. Noel. Mr. Noel searched his files and found some relevant files, which he shipped to Mr. Dale. Mr. Dale did receive these files. In the spring of 2000, Mr. Dale located in these files documents relating to some of the Intelledge intellectual property matters. Some of these materials listed Mr. Bob Beiser of Michael, Best and Friedrich as a contact person.

16. Mr. Dale contacted Mr. Beiser. Mr. Dale informed Mr. Beiser that IPMS had acquired the IP assets from Intelledge and was trying to obtain the status of the applications and copies of the files. Mr. Beiser said that Michael, Best was not prosecuting the patent applications, but that Mr. England was.

17. Mr. Dale was informed that Mr. England had left Michael, Best and had moved on to the law firm of Sitrick and Sitrick in Chicago and had taken the Intelledge files with him.

18. Mr. Dale subsequently contacted the Sitrick firm. At that time, the Chicago office of Sitrick said they did not know where Mr. England was employed, nor did they have an address for him. Mr. Dale again contacted Mr. John Noel, former Intelledge attorney, and Mr. Noel said he believed that Mr. England had gone to Katten Muchin and Zavis, a firm having done other work for Intelledge.

19. Mr. Dale contacted Katten Muchin and Zavis and explained the situation. In the summer of 2000, Mr. Floyd Mandell of Katten Muchin and Zavis indicated that they had been unable to find any record of Mr. England working for them and no record of any of their work for Intelledge involving the patent applications. Mr. Mandell suggested that Mr. Dale contact the Patent and Trademark Office, as one of the inventors, to determine the status of the applications.

20. In the summer and fall of 2000, Mr. Dale contacted the PTO several times. The PTO was able to locate two issued Intelledge design patents with Mr. Dale as inventor, but said that they were unable to locate any other patents or applications in Mr. Dale's name. If Mr. Dale could get specific application numbers, they said they could help.

21. In the fall of 2000, Mr. Dale contacted Laff, Whitesel, Conte and Saret and, after some effort, was told Laff, Whitesel, Conte and Saret knew nothing of the Intelledge patent applications and that Mr. England was the person Mr. Dale should speak to.

22. Through mid-2001, Mr. Dale made several attempts to further pursue the status of the files and Mr. England. Mr. Dale spoke to Mr. Beiser at Michael, Best and Friedrich. Mr. Beiser suggested that Mr. David Sitrick at Sitrick and Sitrick in Lisle, Illinois might have additional information on Mr. England. Mr. Dale contacted David Sitrick and he suggested contacting Mr. Barry Sufrin of Laff, Whitesel, Conte and Saret to find Mr. England.

23. After many unsuccessful efforts, Mr. Dale spoke to Mr. Sufrin in early 2002, who again said Mr. Dale needed to talk to Mr. England and that Mr. England was working at Snap-On Tools in Kenosha, WI. Mr. Sufrin indicated in no uncertain terms that Intelledge owed Laff, Whitesel, Conte and Saret money and that no other help or information would be forthcoming without Mr. Dale paying the debt left by the Intelledge bankruptcy.

24. Mr. Dale contacted Snap-On Tools and they indicated that Mr. England did not work there. Mr. Dale attempted several times to contact Snap-On Tools' Human Resources director Keith Whitehead but was unable to obtain any additional information about Mr. England's whereabouts.

25. At various times throughout 2001 and early 2002, Mr. Dale had several IPMS employees try to locate Mr. England using Martindale Hubbell, local bar associations, the American Bar Association, and Lawyers.com, but their efforts were unsuccessful. Mr. Dale had these IPMS employees attempt to locate former Intelledge employees to see if they might have information that could help. Once again, their efforts were unsuccessful.

26. Mr. Dale also had these employees also try to obtain information from old Intelledge paper files and former Intelledge employees on what the filing and application numbers had been and had them try to contact the PTO for information. In April 2002, they located the PCT filing number. Based on a request to the PTO in May, Mr. Dale received a letter from the PTO dated May 30, 2002. This letter indicated that the status of the PCT Application was that national stage was entered in the U.S. via the '394 Application and that the '394 Application was abandoned.

27. The undersigned obtained a power to inspect the '394 Application file from Mr. Laff (who now is at Michael, Best and Friedrich). Mr. Laff further indicated that he had the '394

Application file, but that it did not include the Notice of Abandonment or the document which was not responded to that caused the application to go abandoned. There was no indication that any attempt was made to reach Intelledge, IPMS or Mr. Dale.

Attempts to Obtain Files and Information from Former Intelledge Executives

28. Due to his inability to find Mr. England, Mr. Dale made several attempts to obtain information from former Intelledge executives. In particular, Mr. Dale spoke several times with Mr. Sharwarko, former CFO of Intelledge. Mr. Sharwarko had administrative responsibility for patent matters at Intelledge and had been the point person for contact with the law firms handling Intelledge patent work.

29. Mr. Dale asked Mr. Sharwarko if he or others at Intelledge had received any subsequent correspondence from Mr. England or any of the attorneys who had responsibility for the Intelledge patent matters. Mr. Sharwarko stated that he had not received any such communications but would let Mr. Dale know if he or others at Intelledge did.

Recent Communications With Mr. Laff

30. On June 9, 2002, Mr. Laff granted Power to Inspect to representatives of Mr. Dale/IPMS to inspect and copy the file history of the '394 Application, which revealed the basis for the '394 Application having gone abandoned.

31. IPMS and Mr. Dale never received notice regarding the Notification of a Defective Oath or Declaration and to the best of his knowledge, nor did Intelledge. For at least these reasons, IPMS and Mr. Dale did not intentionally abandon the above-referenced patent application.

32. The following is a list of Appendices accompanying the present Petition:

APPENDIX A – A copy of the original assignments of the Inventors of the above-referenced invention to Intelledge Corporation.

APPENDIX B – A copy of an order of the United States Bankruptcy Court for the Northern District of Illinois Eastern Division (entered March 2, 1999) ordering, in part, an auction sale of Intelledge Corporation's intellectual property rights.

APPENDIX C – A copy of a "Notice of Filing" prepared by the Trustee in Bankruptcy for Intelledge Corporation stating that a "Report of Sale" was filed with the Clerk of the United States Bankruptcy Court for the Northern District of Illinois Eastern Division on July 1, 1999; and a copy of the "Report of Sale," dated July 1, 1999, acknowledging the sale of Intelledge Corporation's intellectual property rights to IPMS.

CONCLUSION

On the basis of the foregoing, Applicants respectfully request the granting of this Petition so that the application will be taken up promptly, and respectfully request favorable examination at that time.

Respectfully submitted,

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO, PC

By:


James G. Gatto – Reg. No. 32,694

Date: August 5, 2002

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO, PC
12010 Sunset Hills Road
Suite 900
Reston, Virginia 20190
(703) 464-4800 (Telephone)
(703) 464-4895 (Facsimile)

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AUG 05 2002

OFFICE OF PETITIONS

(Rev. 10-2001) (Subject)

FORM 13-11

13-116.5

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY
(Includes Reference to PCT International Applications)

ATTORNEY'S DOCKET NUMBER

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PRODUCT INFORMATION SYSTEM

the specification of which (check only one item below):

☒ is attached hereto.☐ was filed as United States application

Serial No. _____

on _____

and was amended

on _____ (if applicable).

☐ was filed as PCT international application

Number _____

on _____

and was amended under PCT Article 19

on _____ (if applicable).

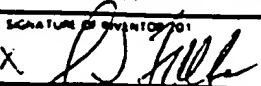
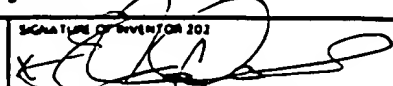

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:

COUNTRY of PCT application PCT I	APPLICATION NUMBER	DATE OF FILING day, month, year	PRIORITY CLAIMED UNDER 35 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

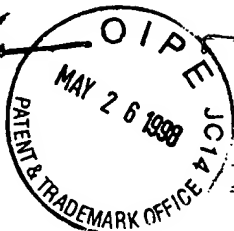
Combined Declaration For Patent Application and Power of Attorney (Continued)				ATTORNEY'S DOCKET NUMBER	
<p>I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:</p>					
PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120					
U.S. APPLICATIONS				STATUS (Check one)	
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED	
60-001-673	31/07/95		X		
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NUMBERS ASSIGNED BY USPTO			
<p>POWER OF ATTORNEY As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)</p> <p style="text-align: center;">(SEE ATTACHED SCHEDULE A)</p>					
Send Correspondence to: Robert S. Beiser, Esq. Michael, Best & Friedrich 100 East Wisconsin Avenue Milwaukee, WI 53202-4108				Direct Telephone Calls to (name and telephone number)	
201	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY	
202	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY	
203	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY	
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon</p>					
SIGNATURE OF INVENTOR 201		SIGNATURE OF INVENTOR 202		SIGNATURE OF INVENTOR 203	
 DATE 7/24/96		 DATE 7/24/96		 DATE 7/24/96	

Combined Declaration For Patent Application and Power of Attorney (Continued)				ATTORNEY'S DOCKET NUMBER
<p>I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:</p>				
PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120.				
U.S. APPLICATIONS			STATUS (Check one)	
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
60-001,673	31/07/95		X	
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NUMBERS ASSIGNED HEREIN		
<p>POWER OF ATTORNEY. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)</p> <p style="text-align: center;">(SEE ATTACHED SCHEDULE A)</p>				
Send Correspondence to: Robert S. Beiser Michael, Best & Friedrich 100 East Wisconsin Avenue Milwaukee, WI 53202-4108			Direct Telephone Calls to <small>(name and telephone number)</small>	
201	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY	
	8312 Savage Guilford Rd.		Savage	MD 20763 USA
202	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY	
203	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY	
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon</p>				
SIGNATURE OF INVENTOR 201		SIGNATURE OF INVENTOR 202		SIGNATURE OF INVENTOR 203
DATE		DATE		DATE
JUL 24, 1996				

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PCT/PTO

26 MAY 1998



MA 50X0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Intelledge Corporation)	
Attorney Docket No:	5071-00002)	
Serial No.:	PCT/US96/12575)	
Filing Date:	July 31, 1996)	
Title:	ELECTRONIC PRODUCT INFORMATION DISPLAY SYSTEM)	REVOCATION AND SUBSTITUTE POWER OF ATTORNEY

08/983394

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

- [X] AUTHORIZATION TO PAY AND PETITION FOR THE ACCEPTANCE OF ANY NECESSARY FEES. If any charges or fees must be paid in connection with the following Communication (including but not limited to the payment of issue fees), they may be paid out of our deposit account no. 12-0064. If this payment also requires a Petition, please construe this authorization to pay as the necessary Petition which is required to accompany the payment.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on:

Date: 22 MAY 1998

Signature: G. Peter Albert, Jr.

G. Peter Albert, Jr.

REVOCATION AND SUBSTITUTE POWER OF ATTORNEY

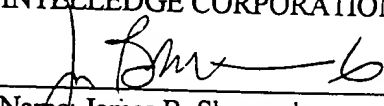
Under the Provision of PCT Rules 90.1 (a) and 90.6., INTELLEDGE CORPORATION revokes all previous powers of attorney and hereby appoints Charles A. Laff (Reg. No. 19787), J. Warren Whitesel (Reg. No. 16830), Robert F.I. Conte (Reg. No. 20354), Larry L. Saret (Reg. No. 27674), Martin L. Stern (Reg. No. 28911), Louis Altman (Reg. No. 19373), Barry W. Sufrin (Reg. No. 27398), Marshall W. Sutker (Reg. No. 19962), Kevin C. Trock (Reg. No. 37745), William Meunier (Reg. No. 41193), Scott B. Feder (Reg. No. 33129), G. Peter Albert, Jr. (Reg. No. 37268), Michael B. Allen (Reg. No. 37582), and Lisa C. Childs (Reg. No. 39937) attorneys at law, duly authorized to practice before the U.S. Patent and Trademark Office, with full power of substitution and revocation, to transact all business in the Patent and Trademark Office in connection with the above-identified application, such power to be exercised separately or collectively by said attorneys; and requests that all correspondence from the Patent and Trademark Office concerning this application be addressed to:

CHARLES A. LAFF, ESQ.
Laff, Whitesel, Conte & Saret, Ltd.
401 North Michigan Ave., Suite 1700
Chicago, Illinois 60611

5.21.98

Date

INTELLEDGE CORPORATION


Name: James B. Sharwarko
Title: Vice President and Chief Financial Officer

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : FALLS *et al.*
SERIAL NUMBER : 08/983,394 EXAMINER : *To be assigned*
FILING DATE : January 20, 1998 ART UNIT : *Unknown*
FOR : ELECTRONIC PRODUCT INFORMATION DISPLAY SYSTEM

Assistant Commissioner for Patents
Washington, DC 20231

REVOCATION AND NEW POWER OF ATTORNEY

Information Planning and Management Service (IPMS), Inc., owner of the entire right, title and interest in, to and under the above-identified application, hereby revoke any and all former powers of attorney and appoint:

Attorney or Agent	Registration No.	Attorney or Agent	Registration No.
Kevin Ainsworth	39,586	Brian P. Hopkins	42,669
Ingrid Beattie	42,306	Shane Hunter	41,858
William Belanger	40,509	David E. Johnson	41,874
Charles E. Bell	48,128	Christina Karnakis	45,899
Naomi Biswas	38,384	Kristin E. Konzak	44,848
Bradford C. Blaise	47,429	Cynthia Kozakiewicz	42,764
Sean M. Coughlin	48,593	Barry J. Marenberg	40,715
David F. Crosby	36,400	Scott D. Miller	43,803
Christopher J. Cuneo	42,450	A. Jason Mirabito	28,161
Brett N. Dorny	35,860	Michel Morency	50,183
Marianne Downing	42,870	Carol H. Peters	45,010
Ivor R. Elrifi	39,529	Matthew Pavao	50,572
Heidi A. Erlacher	45,409	Michael Renaud	44,299
Eugene Feher	33,171	Robert J. Sayre	42,124
John M. Garvey	37,833	C. Eric Schulman	43,350
James G. Gano	32,694	Gregory J. Sieczkiewicz	48,223
Richard Gervase	46,725	Thomas M. Sullivan	39,392
Matthew J. Golden	35,161	Janine Susan	46,119
Sonia K. Guterman	44,729	Nicholas P. Triano III	36,397
Paul Hayes	28,307	Howard Susser	33,556

APPLICATION NO.

08/983,394

APPLICANTS:

FALLS et al.

all of MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO PC, One Financial Center, Boston, Massachusetts 02111, as Applicant's attorneys with full power of substitution and revocation to take any and all action necessary with regard to the above-identified patent application.

Address all telephone calls to James G. Gatto at telephone number 703/464-4800.

Address all correspondence to:

James G. Gatto
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
11911 Freedom Drive, Suite 400
Reston, Virginia 20190

I, the undersigned, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Please charge any fee or any fee deficiency occasioned by this document to Deposit Account No. 50-0311.

By:


Ernest J. Dale
PRESIDENT

Date:

8/5/02

INFORMATION PLANNING &
MANAGEMENT SERVICE, INC.
45945 Center Oak Plaza
Suite 140
Sterling, VA. 20166
Telephone: (703) 421-5500
Facsimile: (703) 421-5586

RES 71846v1

EOD MAR 02 1999

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE

INTELLEDGE CORP.

)
)
) 98B 33841
)
) Judge Squires

ORDER

At Wheaton, Illinois before the Honorable John Squires, U.S. Bankruptcy Judge this

24 day of February, 1999.

This matter coming before the court on the application of the Trustee for an order authorizing the approval of a sale of certain personal property, business equipment and furniture to Information Planning & Management Services, Inc. (IPMS) of Sterling, Virginia and the approval of an auction sale to be conducted by the Trustee relative to the debtor's intellectual property and related property; due notice having been given and the court being advised in the premises.

IT IS HEREBY ORDERED:

1) The Trustee's application to sell the business equipment and furniture for the sum of \$7,500.00 to IPMS, Inc. is granted. Upon receipt and deposit of said funds the Trustee is authorized to execute a Bill of Sale therefore.

2) The Trustee is authorized to pay Auction Services 8% of said amount as and for commissions for negotiating and arranging the sale.

3) The Trustee is further authorized to direct Auction Services to conduct an auction sale of the debtor's intellectual property rights and related personal property upon a time and date to

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be determined by the Trustee and Auction Services. When said date is set, the Trustee shall send notice to all persons given notice of this hearing and Auction Services shall send and publish such additional notice as may be deemed adequate.

4) Auction Services shall be entitled to deduct from the gross proceeds 8% of same as its commission but expenses of sale shall be paid only after application and allowance by this Court.

5) The Trustee will sell the ^{- real -}intellection property without warranty and in an as is and where is basis but allow such due diligence as may be fair and reasonable.

6) This sale shall commence with an opening bid of IPMS at \$20,000.00 and successive bids shall be at \$5,000.00 increments. If no person bids \$25,000.00 then the Trustee shall be authorized to sell the said property to IPMS for \$20,000.00.

7) The Trustee shall file a notice of sale with the Clerk of the Court within 15 days of the completion of the sale.

8) The Auctioneer shall comply with the standing order entered by this Court concerning auctions.

9) Upon completion of the sale and the payment of all funds to the Trustee the purchaser shall be entitled to a Bill of Sale from the Trustee.

Enter: 2/ 1999

2/24/99 
U.S. BANKRUPTCY JUDGE
FEB 24 1999

David E. Grochocinski
Grochocinski & Grochocinski, Ltd.
800 Ravinia Place
Orland Park, IL 60426
(708)226-2700

A S S I G N M E N T

For and in consideration of the sum of One Dollar (\$1.00) to me:

Scott A. McPhillips
8312 Savage Guilford Rd.
Savage, MD 20763

by INTELLEDGE CORPORATION (hereinafter referred to as "Assignee"), an Illinois corporation having its principal place of business at:

10 East 22nd Street, Suite 214
Lombard, Illinois 60148

and for other valuable and sufficient consideration, receipt whereof is hereby acknowledged, we hereby sell, assign and convey, unto Assignee, its successors and assigns, my entire right, title and interest -

(1) in and to an invention entitled "PRODUCT INFORMATION SYSTEM" for which a Patent Cooperation Treaty patent application is attached hereto;

(2) in and to any United States patent application, in and to all other patent applications (including divisional, continuation, continuation-in-part, §111(b) provisional, §111(a), and reissue applications) based upon said invention, and in and to the patent or patents to be granted thereon, including reissues thereof, if any, to the full end of the term or terms for which said patent or patents may be granted;

(3) in and to all patent applications on said invention now or hereafter filed in countries foreign to the United States of America, and in and to any and all patents

granted on said applications to the full end of the terms for which said patents may be granted; and

(4) under the International Convention in respect to the United States patent application and agree that any patent applications of any foreign countries which may be filed shall be filed in the name of my Assignee with a claim to priority based on said United States application.

And we hereby agree that we will, upon demand of Assignee, its successors or assigns, and without further consideration to us, execute any and all papers that may be necessary, or deemed by Assignee, its successors or assigns, to be necessary, to a complete fulfillment of the intent and purposes of this Assignment, it being understood that any expense incident to the execution of such papers shall be paid by Assignee, its successors and assigns, and not by us.

And the Commissioner of Patents and Trademarks of the United States is hereby authorized and requested to issue the said United States patent or patents to Assignee.

Date: 7/24/96


Scott A. McPhillips

E O D MAR 02 1999

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE

INTELLEDGE CORP.

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Enter: 2/ /99

2/24/99 
U.S. BANKRUPTCY JUDGE
FEB 24 1999

David E. Grochocinski
Grochocinski & Grochocinski, Ltd.
800 Ravinia Place
Orland Park, IL 60426
(708)226-2700

EOD JUL -2 1999

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
JUL 01 1999

WAYNE E. NELSON, CLERK
DEPUTY CLERK

IN RE:

INTELLEDGE CORP.

DEBTOR

) Bankruptcy No. 98B 33841
) Chapter 7

) Judge Squires
)
)

NOTICE OF FILING

TO: SEE ATTACHED SERVICE LIST

Please take notice that on the 1 day of JULY 1999, I did file the Report of Sale with the Clerk of the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division, a true and correct copy of which is attached hereto and made a part hereof.

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

David E. Grochocinski on oath states that he is the Trustee for the Estate and that on the above and foregoing date he did file the documents, pleadings or motions with the designated Clerk of the Court and did mail an exact copy thereof to the parties listed herein on the 29th day of June, 1999 by depositing same in the U.S. Mail Drop at 800 Ravinia Place, Orland Park, IL 60462 before the hour of 6:00 p.m. with proper postage prepaid.


David E. Grochocinski

Signed and Sworn to
before me this 29th
day of June, 1999


NOTARY PUBLIC



GROCHOCINSKI & GROCHOCINSKI, LTD.
Attorneys at Law
800 Ravinia Place
Orland Park, IL 60462
708-226 2700

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Service List:

US Trustee
227 W. Monroe Street
Suite 3350
Chicago, IL 60606

Intelligence Corp.
c/o James Sharwarko
101 W. 39th Street
Downers Grove, IL 60515

Auction Services
5338 N. Lotus Avenue
Chicago, IL 60630

IPMS
Attn: E. J. Dale
21400 Ridgetop Circle
Suite 140
Sterling, VA 20166

EOD JUL -2 1999

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS

JUL 01 1999

WAYNE E. NELSON, CLERK
DEPUTY CLERK

IN RE:
INTELLEDGE CORP.

) Bankruptcy No. 98B 33841
)
) Chapter 7
)
) Judge Squires
)

Debtor

REPORT OF SALE

Comes now David E. Grochocinski, Trustee in Bankruptcy for the Estate of Intelledge Corp. and in reporting to the Court on the results of the sale of assets of the aforesaid Debtor states as follows:

- 1.) On 2/24/99, this Court entered an order authorizing the Trustee to sell certain personal property (desks, business equipment and furniture) to IPMS, Inc. of Sterling, Virginia for the sum of \$7,500.00. Said sum has been paid and a bill of sale issued to the purchaser (copy attached).
- 2.) The same order authorized the Trustee to arrange for and conduct an auction sale on a date and time as selected by the Trustee and his auctioneer, Auction Services, Inc. for the Intellectual Property and related personal property of the Debtor.
- 3.) The order provided for a minimum opening bid of \$25,000.00 or if no such bid was received then the Trustee was authorized to sell the Intellectual Property and related personal property to IPMS, Inc. for \$20,000.00.
- 4.) Prior to this sale, IPMS deposited the sum of \$20,000.00 with Auction Services, Inc. which in turn deposited the same with the Trustee.
- 5.) On 5/26/99 the Trustee sent notice of an auction sale to all creditors and others entitled to

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notice. Said notice set the sale for 6/22/99 at the offices of the Trustee at 2 p.m. Central Daylight Time (copy of the notice being attached).

6.) At the sale no person exceeded the bid of IPMS and the Intellectual Property and related personal property was sold in "as is and where is" condition to IPMS for \$20,000.00.



David E. Grochocinski, Trustee
in Bankruptcy for Intelledge Corp.

RECORDATION FORM COVER SHEET
PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Intelledge Corporation

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☐ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☒ Other Report of Sale

Execution Date: 07/01/1999

2. Name and address of receiving party(ies)

Name: IPMS, Inc.

Internal Address: _____

Street Address: 45945 Center Oak Plaza
Suite 140

City: Sterling State: VA Zip: 20166

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s) 08/983,394

B. Patent No.(s) _____

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: James G. Gatto

Internal Address: _____

Street Address: Mintz Levin Cohn Ferris et al.
12010 Sunset Hills Road, Suite 900

City: Reston State: VA Zip: 20190

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit account number:

DO NOT USE THIS SPACE

9. Signature.

James G. Gatto

Name of Person Signing


Signature

08/05/2002

Date

Total number of pages including cover sheet, attachments, and documents: 3

EOD JUL -2 1999

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISIONIN RE:
INTELLEDGE CORP.

Debtor

) Bankruptcy No. 98B 33841
)
) Chapter 7
)
) Judge Squires
)**FILED**
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
JUL 01 1999
BY WAYNE E. NELSON, CLERK
DEPUTY CLERK

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notice. Said notice set the sale for 6/22/99 at the offices of the Trustee at 2 p.m. Central Daylight Time (copy of the notice being attached).

6.) At the sale no person exceeded the bid of IPMS and the Intellectual Property and related personal property was sold in "as is and where is" condition to IPMS for \$20,000.00.



David E. Grochocinski, Trustee
in Bankruptcy for Intelledge Corp.

A S S I G N M E N T

For and in consideration of the sum of One Dollar (\$1.00) to us:

S. Douglas Falls
12 Lakewood Circle
St. Charles, IL 60174

Ernest J. Dale
Box 874
Hamilton Station Rd.
Waterford, VA 22190

Rod Matheson, III
7529 Water Lily Way
Columbia, MD 21046

by INTELLEDGE CORPORATION (hereinafter referred to as "Assignee"), an Illinois corporation having its principal place of business at:

10 East 22nd Street, Suite 214
Lombard, Illinois 60148

and for other valuable and sufficient consideration, receipt whereof is hereby acknowledged, we hereby sell, assign and convey, unto Assignee, its successors and assigns, my entire right, title and interest -

(1) in and to an invention entitled "PRODUCT INFORMATION SYSTEM" for which a Patent Cooperation Treaty patent application is attached hereto;

(2) in and to any United States patent application, in and to all other patent applications (including divisional, continuation, continuation-in-part, §111(b) provisional, §111(a), and reissue applications) based upon said invention, and in and to the patent or patents to be granted thereon, including reissues thereof, if any, to the full end of the term or terms for which said patent or patents may be granted;

(3) in and to all patent applications on said invention now or hereafter filed in countries foreign to the United States of America, and in and to any and all patents

granted on said applications to the full end of the terms for which said patents may be granted; and

(4) under the International Convention in respect to the United States patent application and agree that any patent applications of any foreign countries which may be filed shall be filed in the name of my Assignee with a claim to priority based on said United States application.




And we hereby agree that we will, upon demand of Assignee, its successors or assigns, and without further consideration to us, execute any and all papers that may be necessary, or deemed by Assignee, its successors or assigns, to be necessary, to a complete fulfillment of the intent and purposes of this Assignment, it being understood that any expense incident to the execution of such papers shall be paid by Assignee, its successors and assigns, and not by us.

And the Commissioner of Patents and Trademarks of the United States is hereby authorized and requested to issue the said United States patent or patents to Assignee.

Date: 7/24/96

Date: 7/28/96

Date: 7/28/96


S. Douglas Falls

Ernest J. Dale

Rod Matheson, III